

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>METHOD AND</u>
<u>APPARATUS FOR HARDWARE AND SOFTWARE CO-SIMULATION</u>

The specification of which a. is attached hereto			
b. is entitled METHOD AND docket number 30019.103US01	APPARATUS FOR HARDY	VARE AND SOFTWARE CO-S	IMULATION, having an attorney
	on serial no. and was amend filed and as amended on		ee of a PCT-filed application) described and for which I solicit a United States
I hereby state that I have reviewed any amendment referred to above.	and understand the contents of	the above-identified specification	, including the claims, as amended by
Rederal Regulations, § 1.56 (attac L L L L L L L L L L L L L L L L L L L	hed hereto). nefits under Title 35, United Sta lso identified below any foreign	tes Code, § 119/365 of any foreign	on in accordance with Title 37, Code of application(s) for patent or inventor's secretificate having a filing date before
no such applications have be such applications have beer			
FOR	REIGN APPLICATION(S), IF ANY,	CLAIMING PRIORITY UNDER 35 US	C § 119
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOR	EIGN APPLICATION(S), IF ANY, F	TILED BEFORE THE PRIORITY APPL	ICATION(S)
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
	.1		

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

Trademark Office connected her	ewith:		
Albrecht, John W.	Reg. No. 40,481	Lacy, Paul E.	Reg. No. 38,946
Anderson, Gregg I.	Reg. No. 28,828	Larson, James A.	Reg. No. 40,443
Ansems, Gregory M.	Reg. No. 42,264	Liepa, Mara E.	Reg. No. 40,066
Batzli, Brian H.	Reg. No. 32,960	Lindquist, Timothy A.	Reg. No. 40,701
Beard, John L.	Reg. No. 27,612	McDonald, Daniel W.	Reg. No. 32,044
Berns, John M.	Reg. No. 43,496	McIntyre, Jr., William F.	Reg. No. P-44,921
Black, Bruce E.	Reg. No. 41,622	Mueller, Douglas P.	Reg. No. 30,300
Bruess, Steven C.	Reg. No. 34,130	Pauly, Daniel M.	Reg. No. 40,123
Byrne, Linda M.	Reg. No. 32,404	Phillips, John B.	Reg. No. 37,206
Carlson, Alan G.	Reg. No. 25,959	Plunkett, Theodore	Reg. No. 37,209
Caspers, Philip P.	Reg. No. 33,227	Pytel, Melissa J.	Reg. No. 41,512
Chiapetta, James R.	Reg. No. 39,634	Reich, John C.	Reg. No. 37,703
Clifford, John A.	Reg. No. 30,247	Reiland, Earl D.	Reg. No. 25,767
Cochran, William W.	Reg. No. 26,652	Schmaltz, David G.	Reg. No. 39,828
Daignault, Ronald A.	Reg. No. 25,968	Schuman, Mark D.	Reg. No. 31,197
Daley, Dennis R.	Reg. No. 34,994	Schumann, Michael D.	Reg. No. 30,422
Dalglish, Leslie E.	Reg. No. 40,579	Scull, Timothy B.	Reg. No. 42,137
Daulton, Julie R.	Reg. No. 36,414	Sebald, Gregory A.	Reg. No. 33,280
DeVries Smith, Katherine M.	Reg. No. 42,157	Skoog, Mark T.	Reg. No. 40,178
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Epp Ryan, Sandra	Reg. No. 39,667	Storer, Shelley D.	Reg. No. 45,135
Glance, Robert J.	Reg. No. 40,620	Sumner, John P.	Reg. No. 29,114
₽ Goggin, Matthew J.	Reg. No. 44,125	Sumners, John S.	Reg. No. 24,216
ិ្ធColla, Charles E.	Reg. No. 26,896	Swenson, Erik G.	Reg. No. 45,147
¹- Gorman, Alan G.	Reg. No. 38,472	Tellekson, David K.	Reg. No. 32,314
"∯ould, John D.	Reg. No. 18,223	Trembath, Jon R.	Reg. No. 38,344
Gregson, Richard	Reg. No. 41,804	Underhill, Albert L.	Reg. No. 27,403
Fresens, John J.	Reg. No. 33,112	Vandenburgh, J. Derek	Reg. No. 32,179
Hamre, Curtis B.	Reg. No. 29,165	Wahl, John R.	Reg. No. 33,044
Hillson, Randall A.	Reg. No. 31,838	Weaver, Karrie G.	Reg. No. 43,245
Holzer, Jr., Richard J.	Reg. No. 42,668	Welter, Paul A.	Reg. No. 20,890
⁵i ∮ohnston, Scott W.	Reg. No. 39,721	Whipps, Brian	Reg. No. 43,261
* Kadievitch, Natalie D.	Reg. No. 34,196	Wickhem, J. Scot	Reg. No. 41,376
Kastelic, Joseph M.	Reg. No. 37,160	Williams, Douglas J.	Reg. No. 27,054
Kettelberger, Denise	Reg. No. 33,924	Witt, Jonelle	Reg. No. 41,980
Keys, Jeramie J.	Reg. No. 42,724	Xu, Min S.	Reg. No. 39,536
Knearl, Homer L.	Reg. No. 21,197	Zeuli, Anthony R.	Reg. No. 45,255
Kowalchyk, Alan W.	Reg. No. 31,535		-
Kowalchyk, Katherine M.	Reg. No. 36,848		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. 3100 Norwest Center 90 South Seventh Street Minneapolis, MN 55402-4131 I hereby declare that all statements made in of my own knowledge are true and that all ments made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	Full Name	Family Name	First Given Name		Second Given Name
2	Of Inventor	HEGDE	GOPAL		
)	Residence	City	State or Foreign Country		Country of Citizenship
	& Citizenship	SAN JOSE	CALIFORNIA		INDIA
	Post Office	Post Office Address	City		State & Zip Code/Country
	Address	1305 TEA ROSE CIRCLE	SAN JOSE		CALIFORNIA 95131/USA
Signa •	ature of Inventor 2	01:		Date:	124/2000
	Full Name	Family Name	First Given Name		Second Given Name
!	Of Inventor	RATHAUR	SURENDRA		
)	Residence	City	State or Foreign Country	State or Foreign Country	
	& Citizenship	MILPITAS	CALIFORNIA		USA
2	Post Office	Post Office Address	City		State & Zip Code/Country
	Address	2144 SHILOH AVENUE	MILPITAS	T	CALIFORNIA 95035/USA
Sign:	ature of Inventor 2	102: Suner Da Rathair		Date:	1-23-00
	Full Name	Family Name	First Given Name		Second Given Name
2	Of Inventor	GUERRERO	MIGUEL		
0	Residence	City	State or Foreign Country		Country of Citizenship
	& Citizenship	UNION CITY	CALIFORNIA	•	SPAIN
3	Post Office Address	Post Office Address 2175 DECOTO ROAD, APT. 156	City UNION CITY		State & Zip Code/Country CALIFORNIA 94587/USA
Signa	ature of Inventor 2	03: 2 1 976). /	with the Co	Date:	1/24/2000
	Full Name	Family Name	First Given Name		Second Given Name
2	Of Inventor	HEGDE	ANOOP		
0	Residence	City	State or Foreign Country		Country of Citizenship
	& Citizenship	SUNNYVALE	CALIFORNIA		INDIA
4	Post Office Address	Post Office Address 417 E. MAUDE AVENUE, #17	City SUNNYVALE		State & Zip Code/Country CALIFORNIA 94086/USA
Signa	ature of Inventor 2		30	Date:	124/2000
	Full Name	Family Name	First Given Name		Second Given Name
2	Of Inventor	GANGA	ILANGO		
0	Residence City State or Foreign Country		Country of Citizenship		
_	& Citizenship	SAN JOSE	CALIFORNIA		INDIA
5	Post Office Address	Post Office Address 4291 NORWALK AVENUE, APT. V-112	City SAN JOSE		State & Zip Code/Country CALIFORNIA 95129/USA
Signa	ature of Inventor 2	05: X 10		Date:	1/24/2000

2	Full Name Of Inventor	Family Name MUTT	First Given Name AMAMATH	Second Given Name
0	Residence & Citizenship	City SUNNYVALE	State or Foreign Country CALIFORNIA	Country of Citizenship INDIA
6	Post Office Address	Post Office Address 1337 CORDILLERAS AVENUE	City SUNNYVALE	State & Zip Code/Country CALIFORNIA 94087/USA
Sign ×	ature of Inventor 2		Date	jau 24, 2000
2	Full Name Of Inventor	Family Name SABATO	First Given Name SIMON	Second Given Name
0	Residence & Citizenship	City SUNNYVALE	State or Foreign Country CALIFORNIA	Country of Citizenship AUSTRALIA
7	Post Office Address	Post Office Address 1195 LIME DRIVE	City SUNNYVALE	State & Zip Code/Country CALIFORNIA 94087/USA

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- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by \$\\$ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden—of—proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:

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- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.